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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ADASHA TURNER,

9 Plaintiff,

10 v.

11 LIFE INSURANCE COMPANY OF  
12 NORTH AMERICA,

Defendant.

C17-1 TSZ

ORDER

13 THIS MATTER, having come before the Court on Plaintiff's Motion for Award of  
14 Attorneys' Fees and Costs, docket no. 51 (the "Motion"), and being sufficiently advised,  
15 having considered the Motion, Defendant's opposition to the Motion, and Plaintiff's  
16 reply, the Court hereby GRANTS in part, and DENIES in part, Plaintiff's Motion as set  
17 forth below.

18 1. Plaintiff's request for fees incurred for discovery-related efforts shall be  
19 reduced to 20 hours because no more than 20 hours should have been incurred on  
20 discovery-related efforts.

21 2. Plaintiff's request for fees will not be reduced for time spent on dispositive  
22 motions.  
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1           3.     Plaintiff's request for fees shall be reduced by 0.8 hours that counsel spent  
2 on efforts relating to the reinstatement of Plaintiff's long-term disability benefits. These  
3 efforts were unrelated to the case because Plaintiff's Complaint did not include  
4 allegations related to Plaintiff's long-term disability benefits.

5           4.     Plaintiff's request for fees will not be reduced by 2.5 hours that counsel  
6 spent communicating with each other about the application of the Western District of  
7 Washington's Local Rules and/or general practices. These efforts were related to the  
8 case and appropriate.

9           5.     Plaintiff's request for fees will not be reduced by 1.0 hours that counsel  
10 spent drafting his *pro hac vice* application, and by 0.1 hours that counsel spent  
11 communicating with each other about the assignment of the undersigned as the judge on  
12 the case. These efforts were related to the case.

13          6.     Plaintiff's request for fees will not be reduced by 1.2 hours that counsel  
14 spent on general inter-office communications. These efforts were related to the case.

15          7.     Plaintiff's requested rate of \$500 per hour is reasonable for this ERISA  
16 matter. The declaration of Mel Crawford, an attorney in the Western District of  
17 Washington, and evidence of four recent attorney-fee awards in ERISA matters, two for  
18 Mr. Crawford and two for Christopher Roy, support an amount of \$500. This is precisely  
19 the type of evidence considered when determining the reasonable hourly rate. *Welch v.*  
20 *Metro. Life Ins. Co.*, 480 F.3d 942, 947 (9th Cir. 2007). As his declaration, docket  
21 no. 51-1, demonstrates, plaintiff's lead counsel, Robert Rosati, has more legal experience  
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1 than Mr. Crawford and far more legal and ERISA experience than Mr. Roy. Rosati's  
2 reasonable rate in this district is \$500 per hour.

3 8. Plaintiff's request for a fee enhancement is DENIED. Plaintiff has failed to  
4 establish that exceptional circumstances entitle her to an attorneys' fees enhancement or  
5 that the lodestar amount is unreasonably low.

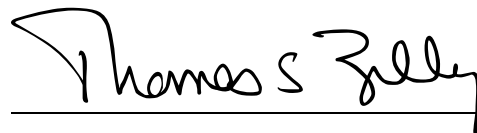
6 9. Plaintiff is hereby awarded reasonable attorneys' fees in the amount of  
7 \$79,800, which includes the amount set forth in Rosati's supplemental declaration,  
8 docket no. 54, but not the amount set forth in Crawford's supplemental declaration,  
9 docket no. 55.

10 10. Plaintiff is awarded costs in the amount of \$1,876.66. These costs were  
11 incurred and are reasonable. See Rosati Decl., docket no. 51-1, ¶ 14; Crawford Decl.,  
12 docket no. 51-2, ¶ 12.

13 11. The Clerk is DIRECTED to enter judgment, to send a copy of this Order  
14 and the Judgment to all counsel of record, and to CLOSE this case.

15 IT IS SO ORDERED.

16 Dated this 1st day of June, 2018.

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19 Thomas S. Zilly  
20 United States District Judge  
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